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06 UNITED STATES DISTRICT COURT  
07 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

08 UNITED STATES, ) CASE NO. CR06-043-MJP  
09 )  
Plaintiff, )  
10 )  
v. ) ORDER DENYING  
11 ) RECONSIDERATION OF ORDER  
SENANDO DIPLAC ADAJAR, ) REVOKING RELEASE  
12 )  
Defendant. )  
13 \_\_\_\_\_ )

14 Defendant, by and through his attorney Catherine Chaney, has moved for a District Judge  
15 to review the order entered by this court revoking release, entered on April 28, 2006. Defendant  
16 urges a change in circumstances as the basis for the motion. Therefore, the matter was referred  
17 to the undersigned Magistrate Judge for consideration, as the assertion of a change in  
18 circumstances warrants the characterization of the motion as one for reconsideration.

19 Defendant and four co-defendants have been indicted on Bank Fraud charges based on a  
20 scheme whereby stolen credit card convenience checks and other checks were deposited into bank  
21 accounts, following which funds were withdrawn. An initial detention hearing was held in this  
22 matter on January 18, 2006, following which defendant was released on an appearance bond.

01 Over the strong objection of defendant, who wished to reside in the community, a condition of  
02 release was imposed that he reside in a halfway house. Defendant failed to appear at the halfway  
03 house the next day as directed, and a bench warrant was issued on January 19, 2006. He remained  
04 a fugitive until February 20, 2006, at which time he was arrested by local law enforcement on  
05 outstanding King County drug court warrants and held in the King County Jail. He appeared  
06 before this court on April 17, 2006 pursuant to a Writ of Habeas Corpus Ad Prosequendum.  
07 Defendant was charged with violating the conditions of pretrial release by consuming  
08 methamphetamine on or about January 15, 2006, failing to comply with the conditions of his King  
09 County Drug Court diversion agreement as required, and by failing to report to the halfway house  
10 as directed. At an evidentiary hearing on April 28, 2006, defendant was found to have violated  
11 these conditions and an order was entered revoking his bond.

12 Defendant asks that he be allowed to reside with his mother and sister and submit to  
13 electronic home monitoring. He states that his mother is willing to remove the "call waiting"  
14 feature on her phone that would previously have prevented the installation of an electronic  
15 monitoring system.

16 The willingness of defendant's mother to change the features on her telephone do not  
17 present new and material conditions that would warrant a change in the previous order revoking  
18 bond. Defendant's mother previously indicated to Pretrial Services that she did not want him  
19 released to her home because she was an elderly woman with many health problems and could not  
20 be responsible for his behavior. The absence or presence of a call waiting feature on her phone  
21 was, at most, a minor consideration.

22 Defendant is a citizen of the Phillippines with significant family ties to that country. His

01 criminal history includes multiple forgery charges and the instant charges involve access to large  
02 quantities of cash. Although enrolled in the King County Superior Court Drug Court, he appeared  
03 for his interview with Pretrial Services with a t-shirt with a picture of marijuana leaves and the  
04 phrase "home grown". When initially released on an appearance bond on January 18, 2006, he  
05 reported for an intake interview with Pretrial Service and tested positive for methamphetamine,  
06 following which he allegedly admitted using methamphetamine in violation of his Drug Court  
07 diversion agreement. Ordered by this court to reside at a halfway house as a condition of release,  
08 he visibly chafed at not being allowed to reside in the community at large. He failed to report to  
09 the halfway house as directed, remaining a fugitive for over one month until he was arrested by  
10 local law enforcement on drug warrants.

11 Defendant is not a good candidate for release. He asserts that he is now drug free, but this  
12 is not surprising since he has been in custody for several months. Even now, he resists a  
13 placement in a halfway house, preferring to reside with his elderly mother and sister. His actions  
14 have clearly demonstrated that he is not likely to comply with any conditions or combination of  
15 conditions of release.

16 Treating the motion for review as a motion for reconsideration of order revoking release,  
17 the motion is DENIED.

18 DATED this 16th day of May, 2006.

19   
20 Mary Alice Theiler  
21 United States Magistrate Judge  
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